

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE REGULATION
Before the Commissioner of Financial and Insurance Regulation

Office of Financial and Insurance Regulation
Petitioner

v

Michael Brown, Jr.
Respondent

Enforcement Case No. 08-5674

For the Petitioner:

Marlon F. Roberts
Office of Financial & Insurance Regulation
P.O. Box 30220
Lansing, MI 48909-7720

For the Respondent:

Jeffrey B. Linden
Maroko and Landau, PC
Suite 214
32255 Northwestern Highway
Farmington Hills, MI 48334-1573

Issued and entered
this 10th day of November 2008
by Ken Ross
Commissioner

FINAL DECISION

On August 19, 2008, Chief Deputy Commissioner Stephen R. Hilker issued an Order for Hearing and Order to Respond in this case. The Order to Respond required Respondent to take one of the following actions within 21 days: agree to a resolution of the case, file an answer to the allegations stated in the complaint, request an adjournment, or file a statement that Respondent plans to attend the hearing. On September 9, 2008, Respondent requested that the hearing be adjourned. The request was granted on September 17, 2008. On September 25, 2008, the law firm of Maroko and Linden, P.C. entered its appearance on behalf of Respondent.

On October 17, 2008, the Petitioner filed a Motion for Summary Decision pursuant to Insurance Bureau Hearing Rule 11, 1983 AACSR 500.2111, asserting that there is no genuine

issue as to any material fact in this case and that Petitioner was, therefore, entitled to a decision in its favor as a matter of law. The motion was mailed to Respondent's attorney on October 20, 2008. Under Insurance Bureau Hearing Rule 7(5), 1983 AACSR 500.2107(5), service was complete October 23, 2008. A party has seven days in which to file a reply to a motion. Insurance Bureau Hearing Rule 13, 1983 AACSR 500.2113. Respondent did not file a response to Petitioner's motion.

The only issue necessary to resolve this case is whether the Respondent has met the minimum licensing requirements of Section 1205(1) of the Michigan Insurance Code of 1956, ("Code") as amended, MCL 500.1205(1). The section provides:

(1) A person applying for a resident insurance producer license shall file with the commissioner the uniform application required by the commissioner and shall declare under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the individual's knowledge and belief. An application for a resident insurer producer license shall not be approved unless the commissioner finds that the individual meets all of the following:

* * *

(b) Has not committed any act that is a ground for denial, suspension, or revocation under section 1239.

Section 1239(1)(f) of the Code states:

In addition to any other powers under this act, the commissioner may place on probation, suspend, revoke, or refuse to issue an insurance producer's license or may levy a civil fine under section 1244 or any combination of actions for any 1 or more of the following causes:

* * *

(f) Having been convicted of a felony.

If the Respondent has been convicted of a felony, no further inquiry or review is permitted by the Insurance Code licensing statute. It is not in dispute that Respondent had been convicted of a felony. Respondent himself disclosed that fact when he completed the insurance

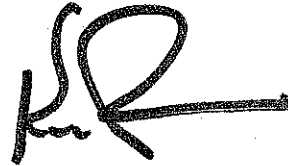
producer licensing application. The question of licensure ends here; the Commissioner does not have the discretion to approve an application where an applicant has been convicted of a felony.

The only necessary conclusion of law is that the application "shall not be approved" by the Commissioner under MCL 500.1205(1) in light of the felony conviction.

Petitioner's motion is granted. The factual allegations and conclusions of law stated in the complaint are adopted and made part of this Final Decision.

ORDER

Therefore, it is ordered that the refusal to issue an insurance producer's license to the Respondent is upheld.

A handwritten signature in black ink, appearing to be 'KR' with a long horizontal stroke extending to the right.

Ken Ross
Commissioner